

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS

DESMOND L. WEBSTER, : Case No. 2:22-cv-4343
: :
Petitioner, : :
vs. : District Judge Algenon L. Marbley
: Magistrate Judge Caroline H. Gentry
: :
WARDEN, LEBANON CORRECTIONAL : :
INSTITUTION,¹ : :
: :
Respondent. : :
=====

ORDER

This is an action pursuant to 28 U.S.C. § 2254 for a writ of habeas corpus. Petitioner seeks release from confinement imposed as part of the judgment of a State court in a criminal action in Franklin County. The case has been referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b) and General Order 22-05.

It appears from the Court's docket records that Petitioner has paid the filing fee required to commence this action. Petitioner's motion for leave to proceed *in forma pauperis* (Doc. 1) is therefore **DENIED as moot**.

Upon preliminary consideration pursuant to Rule 4 of the Rules Governing § 2254 Cases, the Court finds that it does not plainly appear from the face of the Petition and any exhibits attached thereto that the Petitioner is not entitled to relief in this Court. Accordingly, it is hereby

¹On December 9, 2022, a relative of Petitioner's informed the Clerk's Office that Petitioner had switched locations and was now housed at the Northeast Ohio Correctional Center. However, the Ohio Department of Rehabilitation and Correction website indicates that Petitioner is currently at the North Central Correctional Institution. (Viewed at: <https://appgateway.drc.ohio.gov/OffenderSearch/Search/Details/A775074>). The **CLERK OF COURT** is **ORDERED** to send this Order to Petitioner at both the Northeast Ohio Correctional Center and the North Central Correctional Institution. Petitioner is reminded to keep the Court apprised of any changes to his address.

ORDERED that Respondent shall file an answer conforming to the requirements of Rule 5 of the Rules Governing § 2254 Cases within **sixty (60) days** of the date of filing of this Order. Specifically, said answer shall respond to each allegation made in the Petition, raise any affirmative defense relied on by Respondent, and state whether, from Respondent's perspective, any claim in the Petition is barred by a failure to exhaust state remedies, a procedural bar, non-retroactivity, or a statute of limitations.

Before filing the answer, the Respondent shall file those portions of the state court record needed to adjudicate this case. When the record is filed electronically, the Court's CM/ECF filing system will affix a unique PageID number to each page of the record, displayed in the upper right-hand corner of the page. All papers filed in the case thereafter by either party shall include record references to the PageID number. Prior to filing the state court record, the Warden's counsel shall ensure that any borders on parts of the record (typically, court reporter transcripts) do not obscure the PageID number when the page is filed. The record shall be indexed by insertion of "bookmarks" in the .pdf version of the state court record uploaded to the Court's CM/ECF system, which display each exhibit and the name of that exhibit in the record.

As required by Fed. R. Civ. P. 5, a complete copy of the answer and state court record with the PageID numbers must be served on Petitioner at the time of filing.

Petitioner may, not later than **twenty-one (21) days** after the answer is filed, file and serve a reply to the answer.

The **Clerk of Court** is **ORDERED** to serve the petition on Respondent and the Attorney General of Ohio, Habeas Corpus Unit of the Corrections Litigation Section c/o Brian.Higgins@OhioAGO.gov and Habeas.docketclerk@OhioAGO.gov. In accordance with footnote one, above, the **Clerk of Court** is **FURTHER ORDERED** to send this Order to

Petitioner at both the Northeast Ohio Correctional Center and the North Central Correctional Institution. Petitioner is reminded to keep the Court apprised of any changes to his address.

IT IS SO ORDERED.

January 26, 2023

/s/ Caroline H. Gentry

CAROLINE H. GENTRY

United States Magistrate Judge